

5/015/061

RECEIVED

JUN 17 1993

Moab District
San Rafael Resource Area
900 North 700 East
Price, Utah 84501

DIVISION OF
OIL GAS & MINING

3809
(UTU-69862)
(U-067)

JUN 14 1993

CERTIFIED MAIL--Return Receipt Requested
Certification No. 696 298 112

NOTICE OF DECISION

Mr. Neal Mortensen
Western Clay Company
508 East Center
Aurora, Utah 84620

We have determined that you are in noncompliance with 43 Code of Federal Regulations 3809.1-3 which requires submission of an amended notice whenever there are significant deviations from an accepted notice for exploration or mining activities. We have found overburden stockpiles on the north side of your mine just west of the access road, which is outside of the area of operations as contained in your Notice of Intent to Mine currently on file at the San Rafael Resource Area for a bentonite mine on the Last Chance No. 26 mining claim. We have calculated the additional disturbance to be more than .1 acre.

Several cacti (Pediocactus winkleri) were destroyed by this action. This cacti is a Candidate 1 species, and is proposed to be listed as a threatened/endangered plant. Any further destruction of habitat of the Pediocactus winkleri shall result in your operation being closed down until mitigating measures are developed and implemented.

You shall be required to submit an amended notice within 10 days from the date of this decision letter. The notice shall include all new (since your last amendment dated April 14, 1992) and proposed changes for your mining operation. The perimeter of mine area as indicated on the amended notice shall be staked within 15 days from the date of this decision letter. Stakes shall be plainly visible and no more than 100 feet apart.

Failure to comply with the conditions of this decision shall result in your being required to file a plan of operations and to obtain bonding for the operation.

You have the right to appeal to the Utah State Director, Bureau of Land Management, in accordance with 43 CFR 3809.4. If you exercise this right, your appeal, accompanied by a statement of reasons and any arguments you wish to present which would justify reversal or

modification of the decision, must be filed in writing at this office within 30 days after the date of this decision. This decision will remain in effect during appeal, unless a written request for a stay is granted.

Area Manager

cc: Holland Shepherd, DOGM
Bryant Anderson, Emery County
District Manager, Moab (U-065)

NSimmons:ks:6/11/93
NONWEST.LTR

